

Adopted	Rejected
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## COMMITTEE REPORT

YES:	7
NO:	5

### MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1063, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, line 3, delete "This section applies to all property that is"
- 2       and insert "**This section does not apply to:**
- 3       **(1) a public utility (as defined in IC 8-1-2-1);**
- 4       **(2) a municipally owned utility (as defined in IC 8-1-2-1);**
- 5       **(3) a joint agency (as defined in IC 8-1-2.2-2);**
- 6       **(4) a rural electric membership corporation formed under**
- 7       **IC 8-1-13-4;**
- 8       **(5) a rural telephone cooperative corporation formed under**
- 9       **IC 8-1-17;**
- 10       **(6) a not-for-profit utility (as defined in IC 8-1-2-125);**
- 11       **(7) a board of aviation commissioners established under**
- 12       **IC 8-22-2;**
- 13       **(8) an airport authority established under IC 8-22-3; or**
- 14       **(9) a railroad."**
- 15       Page 1, delete line 4.
- 16       Page 1, line 15, delete "Except as provided in subsection (e),

1 eminent domain may" and insert "**The state or a political subdivision**  
 2 **may use eminent domain to acquire property for commercial use**  
 3 **or to transfer any interest in property to another person for**  
 4 **commercial use only if the owner of the property has rejected an**  
 5 **offer from the state or a political subdivision that is equal to at least**  
 6 **the higher of the following amounts:**

7 (1) **One hundred fifty percent (150%) of the property's**  
 8 **assessed value.**

9 (2) **The average of three (3) appraisals of the property. One (1)**  
 10 **of the appraisers shall be appointed by the state or political**  
 11 **subdivision and one (1) by the property owner. These two (2)**  
 12 **appraisers shall appoint a third appraiser. However, if they**  
 13 **are unable to do so, each appraiser shall submit the names of**  
 14 **three (3) appraisers to the circuit court for the county in**  
 15 **which the property is located and the court shall appoint the**  
 16 **third appraiser from the names submitted."**

17 Page 1, delete lines 16 through 17.

18 Delete page 2.

(Reference is to HB 1063 as introduced.)

**and when so amended that said bill do pass.**

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Representative Foley